

**MINUTES OF THE ORDINARY MEETING OF THE WALCHA COUNCIL
HELD IN THE COUNCIL CHAMBERS, HAMILTON STREET, WALCHA ON
WEDNESDAY, 17 JANUARY 2007 COMMENCING AT 1.41PM**

PRESENT: Councillor WJ Heazlett (Chairman) Mayor, together with Councillors PR Blomfield, JM Archdale, KW Ferrier, L Levingston, RS Thomson and MJ Woods.

IN ATTENDANCE: Mr JG O'Hara (General Manager), Mr SC McCoy (Director – Engineering Services) and Mr GA Moran (Director – Environmental Services).

APOLOGIES

119 **RESOLVED** on the Motion of Councillor Woods and Levingston that the apology from Councillor Cross due to business commitments be **ACCEPTED**.

**CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING
HELD ON WEDNESDAY, 6 DECEMBER 2006**

120 **RESOLVED** on the Motion of Councillors Levingston and Thomson that the Minutes of the Ordinary Meeting of the Walcha Council held on Wednesday, 6 December 2006, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

**MATTERS ARISING FROM THE MINUTES OF THE ORDINARY
MEETING HELD ON WEDESNDAY, 6 DECEMBER 2006**

Minute No.: 96 – Walcha Town & Country Sculpture Donation

The General Manager provided the Councillors with colour photographs of the sculpture chosen by the Walcha Town & Country Committee.

121 **RESOLVED** on the Motion of Councillors Archdale and Woods that Council agree to the chosen sculpture with the final location to be decided at a further time.

DECLARATIONS OF INTEREST

Councillor Thomson declared an interest in item 8 being a relative of one of the applicants for the position on the committee.

Councillor Levingston also declared an interest in item 2 being a relative of one of the objectors.

SENIOR OFFICERS' REPORTS

122 **RESOLVED** on the Motion of Councillors Ferrier and Levingston that the Senior Officers' Reports be received for further consideration.

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**1. DEVELOPMENT APPLICATIONS 1239 – 2006 & 1238 – 2006
F & B MULLIGAN & KM MULLIGAN **W07/218****

123 **RESOLVED** on the Motion of Councillors Ferrier and Thomson that Development Application No 1238-2006 lodged by K Mulligan to subdivide Lot 5 DP 634793 located at the corner of Croudace Street and Thee Street Walcha into two allotments being Lot 1 comprising 700.64sqm and Lot 2 comprising 1538.4sqm and construct a dwelling be approved subject to the following conditions:

1. Sealed access to be provided to the two allotments in accordance with the Engineering Department guidelines.
2. Lots 1 & 2 to be connected to the Council's water supply.
3. Lots 1 & 2 to be connected to the Council's sewerage system.
4. Lotes 1 & 2 to be connect to the electricity supply network.
5. Lots 1 & 2 to be connected to the telephone network.
6. Standard development and building conditions (under delegated authority) being imposed for a Class 1 (a) dwelling in the Urban Zone.

FURTHER THAT Development Application 1239-2006 lodged by F & B Mulligan to construct a dwelling on existing Lot 5 DP 634793 on the corner of Croudace Street and Thee Street Walcha be approved subject to the following condition:

1. Standard development and building conditions (under delegated authority) being imposed for a Class 1 (a) dwelling in the Urban Zone.

**2. DEVELOPMENT APPLICATION 1291-2006
BA FLANAGAN**

W07/217

At this stage, Councillor Levingston left the Council Chambers and took no part in the debate.

It was **MOVED** by Councillors Woods and Ferrier that Council approve the application subject to standard standard development and building conditions (under delegated authority) being imposed for a Class 10 Building in the Urban Zone

An Amendment was **MOVED** by Councillor Blomfield and Thomson that the request be approved subject to standard conditions and the roof being constructed with colour bond.

The Amendment was put to the vote and was **LOST**.

124 The Original Motion then became the substantive Motion and was put to the vote and **CARRIED**.

Councillor Levingston returned to the Meeting.

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**3. TENDERS FOR THE SUPPLY AND DELIVERY OF BITUMEN
SEALING WORK** **W07/0003**

125 **RESOLVED** on the Motion of Councillors Ferrier and Archdale that Council:

1. Accept the tenders of

Pioneer Road Services Pty Ltd
25 Groves Avenue
McGRATHS HILL 2756

SAMI Road Services Pty Ltd
12 Grand Avenue
CAMELLIA 2142

Roads and Traffic Authority
Northern Road Services
Cnr Fitzroy and King Streets
GRAFTON 2460

Boral Asphalt
Gunnedah Road
TAMWORTH NSW 2340

For the supply and delivery of bitumen sealing works (Contract A06/3265).

2. Approve the affixing of the Common Seal to the necessary contracts and associated documents **FURTHER THAT** the affixing of the Common Seal be attested to by the Mayor and the General Manager.

**4. REVIEW OF PAYMENT OF EXPENSES AND THE PROVISION OF
FACILITIES FOR MAYORS & COUNCILLORS AND STAFF** **W07/223**

126 **RESOLVED** on the Motion of Councillors Woods and Ferrier that the draft policy "*Payment of Expenses and the provision of facilities for Mayors, Councillors and Staff*" be placed on public exhibition inviting public submissions for a period of 28 days.

Draft - Administration Policy

Payment of Expenses and the provision of facilities for Mayors & Councillors and Staff

Part 1 Introduction

• ***Title***

Payment of Expenses and the provision of facilities for Mayors & Councillors and Staff

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- ***Purpose of the Policy***

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by councillors and staff. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.

- ***Objectives and coverage of the Policy***

To identify those Conferences at which Council will be represented and to identify expenses that will be paid and facilities that will be provided to Councillors and Staff and to identify expenses that will be paid and facilities that will be provided to Councillors and Staff.

- ***Legislative requirements***

Local Government Act 1993 and Local Government (General) Regulation) 2005.

- ***Other NSW Government policy provisions***

Department of Local Government Circulars

Department of Local Government Guidelines

The Model Code of Conduct for Local Council in NSW

ICAC Publication – No Excuses for Misuse, preventing the misuse of council resources

Part 2 Policy

1. *Council shall pay to or on behalf of its members and Staff reasonable out-of-pocket allowances towards their necessary out-of-pocket expenses for conveyance and subsistence in travelling on Council business and all such payments to Councillors, and payment of fees, shall be in accordance with the provisions of the Local Government Act, 1993.*
2. *Separate votes shall be established in Council's annual Budget to provide for the cost of attendance by Councillors and Staff at all regular Conferences (as detailed in 6 below) together with estimates of the probable expenditure on non-recurrent or extraordinary Conferences, Seminars or the like.*
3. *Council may provide, on the request of the Councillor or Staff Member, an advance payment to meet re-disbursable out of pocket expenses not able to be covered by Council order, prepayment or invoice for authorised attendance as delegate or to seminars, conferences and inspections which have been approved by Council and in accordance with this Policy.*
4. *Claims for reimbursement of out of pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Councillor's Claim form and accompanied by the appropriate receipts and/or tax invoices.*
5. *Council will, wherever possible provide a Council car, for the use of Councillors in attending Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council.*

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Where the aforementioned provision of a Council car is not possible, Council will reimburse Councillors for the cost of using their own vehicle to travel to and from Council Meetings, Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council; at a rate of 54c per kilometre.

6. *For the purposes of this policy the following shall be considered as regular Conferences at which Council may be represented and the relevant Staff permitted to attend:-*
- a) *The Annual Conference of the Shires Association of New South Wales.*
 - b) *The Annual Conference of the Local Government Managers Australia (New South Wales Division).*
 - c) *The Annual Conference of Institute of Public Works Engineering Australia and associated Field Days.*
 - d) *The Annual Conference of the Environmental Health and Building Surveyors Association.*
 - e) *The Annual Conference of the Country Libraries Association of New South Wales.*
 - f) *Attendance at Conferences, Seminars, etc., other than those listed in this policy, may be approved under the following circumstances:-*
 - i) *the General Manager may, from time to time, approve the attendance of staff at conferences, seminars, etc., as part of Council's Staff Training Program, provided that all associated costs can be absorbed within existing, approved expenditure votes.*
 - ii) *the attendance of Councillors at conferences, seminars, etc., other than those detailed in this policy, will be permitted from time to time, providing that all associated costs can be absorbed within existing, approved expenditure votes.*
 - iii) *Council must, for its information, be notified of any proposal to attend any conference, seminar, etc., as provided in ii) above.*
 - iv) *Prior to attendance at any conference, seminar, etc., the agenda for such conference, seminar, etc., will be reviewed by the General Manager and Senior Staff or the Mayor, General Manager and Senior Staff as appropriate, to ensure that the conference, seminar, etc., is relevant and appropriate and justifies attendance.*

As far as is possible, a schedule of conferences, seminars, etc., proposed to be attended in the forthcoming year, together with proposed training programs, will be included for consideration in conjunction with Council's Plan of Management.

7. *Representation at these Conferences shall be as follows:-*

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- a) *The Annual Conference of the Shires Association of New South Wales:-
Mayor as Delegate.
General Manager
Two (2) Councillors as Observers.*
- b) *The Annual Conference of the Local Government Managers Australia:-
The General Manager for the full Conference and one (1) other appropriate
qualified or near qualified Staff member for two (2) days.*
- c) *The Annual Conference of Institute of Public Works Engineering Australia and
associated Field Days:-

The Director - Engineering Services for the full Conference and the
Project Engineer for two (2) days. In addition, Council's Plant
Committee and other Staff, as determined by the Director - Engineering
Services, from time to time, be permitted to attend the Field Days.*
- d) *The Annual Conference of the Environmental Health and Building Surveyors
Association:-

The Director - Environmental Services.*
- e) *The Annual Conference of the Country Libraries Association of New South
Wales:-
One (1) elected member and Council's Librarian.*
8. *At all times travel is to be by Council vehicle unless Council determines
another mode of travel is to be used as circumstances may, from time to time,
warrant.*
9. *The spouses of Councillors and Staff be permitted to travel to regular or
approved Conferences, Seminars, etc., in Council vehicles, however, Council
will not be responsible for any other expenses of spouses.*
10. *Allowances for travelling and sustenance are to be based on reimbursement for
actual costs incurred as follows:-

a) Accommodation: *Up to, but not exceeding a standard equivalent to that
of ♦♦♦♦ Motel classification. Council may however take advantage of
negotiated tariffs irrespective of the motel/hotel classification, provided
that such tariffs are no greater than those applicable to the
abovementioned classification.*

b) Out-Of-Pocket Expenses: *To be paid in addition to accommodation, to a
maximum of One hundred dollars (\$100.00) per day.**
11. *No expenses will be paid or reimbursed unless incurred in accordance with this
policy.*
12. *The Council shall provide to Councillors, at the expense of Council, suitable
facsimile machines to assist them in carrying out the duties of civic office.
Council will also provide, at its expense, all consumables associated with the
provision of such facsimile machines.*

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13. *The Council shall provide a mobile phone and laptop computer to the Mayor and meet the cost of all official calls and communication costs.*
14. *Council will provide the opportunity, and encourage Councillors to undertake, training and education as provided by Local Government and Shires Association's Learning Solutions as provided in the annual budget and authorised by Council.*
15. *Council will provide access for Councillors with special needs, such as sight and hearing impairment and physical disabilities that will facilitate the Councillor's normal civic duties; as the need arises.*
16. *Council will provide all reasonable sustenance, etc., to Councillors as is appropriate to their carrying out the duties of civic office.*
17. Legal Advice/Expenses:-

That in the event of:-

(1) any enquiry, investigation or hearing by any of:-

- the Independent Commission Against Corruption;*
- the Office of the Ombudsman;*
- the Department of Local Government and Co-Operatives;*
- the Police;*
- the Director of Public Prosecutions; or*
- the Local Government Pecuniary Interest Tribunal,*
- Any other properly constituted authority*

into the conduct of a Councillor; or

- (2) legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:-*
 - (a) the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and*
 - (b) that the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor.*

18. *Council shall provide insurances against public liability and professional indemnity for Councillors for matters arising out of the performance of their civic duties and the exercise of their Council function.*

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**5. REQUEST FOR DONATION TO SUPPORT WALCHA AND DISTRICT
VIETNAM VETERANS DAY 2007** **W07/222**

127 **RESOLVED** on the Motion of Councillors Levingston and Blomfield that Council agree to the request of a donation of up to a maximum of \$500 to help meet the costs of the Walcha Vietnam Veterans Day **AND FURTHER THAT** invoices be submitted to Council for payment.

6. GAZETTAL OF ROAD NAMES – PART 3 **W07/88**

It was Moved on the Motion of Councillors Thomson and Blomfield that Council:

1. Propose the following road names and proceed with the renaming of the roads in accordance with the normal statutory and consultative requirements set down for the naming of roads.
2. Proceed with the gazettal of the road names provided no objections are received.

<u>Road Name</u>	<u>Locality</u>
Angle Street	Walcha
Apsley Street	Walcha
Borthwick Street	Woolbrook
Berman Street	Woolbrook
Church Street	Woolbrook
Churchill Lane	Walcha
Churchill Street	Walcha
Common Road	Woolbrook
Cross Street	Woolbrook
Croudace Street	Walcha
Derby Street	Walcha
Evans Street	Walcha
Fitzroy Street	Walcha
Hamilton Street	Walcha
Hill Street	Walcha
Jamieson Street	Walcha
Lagoon Street	Walcha
Legg Street	Walcha
Logie Road	Nowendoc
Memorial Avenue	Walcha
Meridian Street	Walcha
Millbank Road	Walcha
North Street	Walcha
Port Stephens Road	Walcha/Nowendoc
Pakington Street	Walcha
Plumbtree Street	Walcha
Saleyards Road	Walcha

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<u>Road Name</u>	<u>Locality</u>
Sempill Crescent	Walcha
South Street	Walcha
Thee Street	Walcha
Towers Street	Walcha
Walsh Street	Walcha
Woolbrook Road	Woolbrook
Yarrowitch Post Office Road	Yarrowitch
Commercial Lane	Walcha
Oxley Drive	Walcha
Wingham Road	Nowendoc

An Amendment was Moved by Councillor Woods and Ferrier that Council:

1. Propose the following road names and proceed with the renaming of the roads in accordance with the normal statutory and consultative requirements set down for the naming of roads.
2. Proceed with the gazettal of the road names provided no objections are received.

<u>Road Name</u>	<u>Locality</u>
Angle Street	Walcha
Apsley Street	Walcha
Borthwick Street	Woolbrook
Berman Street	Woolbrook
Church Street	Woolbrook
Churchill Lane	Walcha
Churchill Street	Walcha
Common Road	Woolbrook
Cross Street	Woolbrook
Croudace Street	Walcha
Derby Street	Walcha
Evans Street	Walcha
Fitzroy Street	Walcha
Hamilton Street	Walcha
Hill Street	Walcha
Jamieson Street	Walcha
Lagoon Street	Walcha
Legg Street	Walcha
Logie Road	Nowendoc
Memorial Avenue	Walcha
Meridian Street	Walcha
Millbank Road	Walcha
North Street	Walcha
Nowendoc Road	Walcha/Nowendoc
Pakington Street	Walcha
Plumbtree Street	Walcha
Saleyards Road	Walcha

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<u>Road Name</u>	<u>Locality</u>
Sempill Crescent	Walcha
South Street	Walcha
Thee Street	Walcha
Towers Street	Walcha
Walsh Street	Walcha
Woolbrook Road	Woolbrook
Yarrowitch Post Office Road	Yarrowitch
Commercial Lane	Walcha
Oxley Drive	Walcha
Wingham Road	Nowendoc

The Amendment on being put to the **VOTE** was **LOST**.

128 The Original Motion was put to the **VOTE** and became the substantive Motion and was **CARRIED**.

AFTERNOON TEA

Council adjourned for afternoon tea at 3.00pm and resumed at 3.42pm. During afternoon tea, presentations were made to the winners of the CountryEnergy Christmas Lights Competition for 2006.

7. TENDERS FOR SCRAP METAL AND BATTERY COLLECTION

W07/118

129 **RESOLVED** on the Motion of Councillors Woods and Levingston that Council:

1. Accepts the tender of Metal Corp Recyclers (trading as Smorgen Steel Recycling) for scrap metal and battery collection (Contract T048/2006).
2. Approve the affixing of the Common Seal to the necessary contracts and associated documents **FURTHER THAT** the affixing of the Common Seal be attested to by the Mayor and the General Manager.

8. WALCHA PRESCHOOL ADVISORY COMMITTEE

W07/147

130 **RESOLVED** on the motion of Councillors Archdale and Blomfield that the method of selection for the committee members be placed in a hat with the first two to be drawn out to be the committee members.

A subsequent draw from the hat was carried out with the Mayor doing the draw. The two people drawn from the hat were Sarah Nivision and Karen Kermode.

131 **RESOLVED** on the motion of Councillors Archdale and Blomfield that Sarah Nivision and Karen Kermode be appointed to the Walcha Preschool Advisory Committee.

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**9. TENDERS FOR THE SUPPLY OF CONTAINER COLLECTION,
PROCESSING, REMOVAL AND DISPOSAL SERVICES UNDER THE
DRUMMUSTER PROGRAM** **W07/117**

132 **RESOLVED** on the motion of Councillors Woods and Ferrier that Council:

1. Accepts the tender of Challenge Disability Services for the supply of container collection, processing, removal and disposal services under the drumMUSTER program (Contract T049/2006).
2. Approve the affixing of the Common Seal to the necessary contracts and associated documents FURTHER THAT the affixing of the Common Seal be attested to by the Mayor and the General Manager.

**10. WALCHA PRESCHOOL
NSW PRESCHOOL INVESTMENT AND REFORM PLAN –
VIABILITY FUNDING 2006/07 AND 2007/08** **W07/219**

The Report was **NOTED** by Council.

11. CLOSURE OF CROWN ROAD RESERVES **W07/46**

133 **RESOLVED** on the motion of Councillors Woods and Thomson that Council amend its Road Closure Policy as follows

ROAD CLOSURES

Objective

To ensure the provision of an efficient, safe and effective road system for the community.

Corporate Plan – 3.3.1

Policy

The following matters will be taken into account when assessing applications for the closing and purchase of unnecessary roads:-

- Present and future requirements of the public.
- General public recreation needs.
- The environment.
- Possible gravel supplies.
- The Roads Act, 1993.

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Council may object to the closure of a Crown road where the closure of the road

- Creates a landlocked lot unless the title of the landlocked lot is consolidated with an adjacent lot that will continue to have a legal access.
- Removes access to a natural feature such as a river or area that provides or potentially provides a community use.
- Could lead to the potential loss of an area of significant native vegetation unless a covenant protecting the vegetation is placed on the land.

An appropriate fee may be charged by Council to process an application.

Reason

To ensure that no roads are closed without taking into account the full impact of the proposal and to minimise adverse effects.

*Approved Council Meeting 26th July, 1989 – Minute No. 284/89
Reaffirmed Council Meeting 1st July, 1993 – Minute No 226/93*

12. PRESCHOOL SHADE AUDIT

W07/224

134 **RESOLVED** on the motion of Councillors Blomfield and Thomson that Council purchase a premium sail that will provide 95% of UV protection to be installed over the proposed outdoor lunch area in collaboration with the volunteers from the Preschool.

LATE ITEMS

135 **RESOLVED** on the motion of Councillors Ferrier and Levingston that the matters raised be considered.

The Chairman declared the following items were a matter of urgency.

1. WATER RESTRICTIONS

136 **RESOLVED** on the motion of Councillors Ferrier and Levingston that the General Manager be delegated authority to introduce appropriate water restrictions.

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2. REPLACEMENT DOCTOR FOR DR PHAM

137 **RESOLVED** on the motion of Councillors Blomfield and Archdale that Council offer the new doctor, Tuan Nyugen Council house at 225E Croudace Street, Walcha, at a rental of \$100 per week for the first twelve months with the rent to revert to a market rental at the expiration of this twelve month period.

MANAGEMENT REVIEW REPORTS

W06/2767

138 **RESOLVED** on the motion of Councillors Woods and Archdale that items included in the Management Review Report, numbered 1 to 8 inclusive, be **NOTED** by Council.

COMMITTEE & DELEGATE REPORTS

- a) Minutes of the Central Northern Regional Library General Meeting held at Narrabri Council Chambers on Friday, 3 November 2006.
W06/2730
- b) Minutes of the NamoiROC Annual General Meeting held at Liverpool Plains Shire Council Chambers on Wednesday, 15 November 2006.
W06/2463
- c) Minutes of the NamoiROC Ordinary Meeting held at Liverpool Plains Shire Council Chambers on Wednesday, 15 November 2006.
W06/2463
- d) Minutes of the New England Strategic Alliance Advisory Committee Meeting held at Armidale Dumaresq Council on Thursday, 14 December 2006.
W07/55
- e) Minutes of the New England Strategic Alliance Advisory Committee Meeting held at Walcha Council Chambers on Wednesday, 10 January 2007.
W07/238

139 **RESOLVED** on the motion of Councillors Woods and Ferrier that Council support the retention of the Northern Tablelands Regional Aboriginal Land Council (NTRALC) structure by letter of support with the letter to be written to the Minister for Aboriginal Affairs, with copies to be sent to the Local Members and Mr Briggs.

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED
THE MEETING CLOSED AT 5.15PM**